

JUN 23 2025

US DISTRICT COURT  
WESTERN DISTRICT OF NC

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

UNITED STATES OF AMERICA ) DOCKET NO. 3:25-cr-160-MOC  
v. ) FACTUAL BASIS  
ERICK FERNANDO GARCIA-AZPEITIA )

NOW COMES the United States of America, by and through Russ Ferguson, United States Attorney for the Western District of North Carolina, and hereby files this Factual Basis in support of the plea agreement filed simultaneously in this matter.

This Factual Basis is filed pursuant to Local Criminal Rule 11.2 and does not attempt to set forth all of the facts known to the United States at this time. By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea(s) that the defendant will tender pursuant to the plea agreement, and that the facts set forth in this Factual Basis are sufficient to establish all of the elements of the crime(s). The parties agree not to object to or otherwise contradict the facts set forth in this Factual Basis.

Upon acceptance of the plea, the United States will submit to the Probation Office a "Statement of Relevant Conduct" pursuant to Local Criminal Rule 32.4. The defendant may submit (but is not required to submit) a response to the Government's "Statement of Relevant Conduct" within seven days of its submission. The parties understand and agree that this Factual Basis does not necessarily represent all conduct relevant to sentencing. The parties agree that they have the right to object to facts set forth in the presentence report that are not contained in this Factual Basis. Either party may present to the Court additional relevant facts that do not contradict facts set forth in this Factual Basis.

1. On or about June 11, 2024, within the Western District of North Carolina, the defendant, **Erick Fernando Garcia-Azpeitia**, did knowingly and intentionally possess with the intent to distribute a controlled substance, that is, four hundred (400) grams or more of a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide ("fentanyl"), a Schedule II controlled substance.
2. Specifically, on this date, officers with the Union County Sheriff's Office conducted a traffic stop on a vehicle driven by Garcia-Azpeitia. A search of the vehicle uncovered 168.6 grams of a substance that field tested positive for fentanyl. Investigators spoke with Garcia-Azpeitia who agreed to cooperate and gave consent for law enforcement to search his residence of 1302 Wembley Drive in Charlotte, North Carolina. A search of the residence led to the seizure of 591.26 grams of fentanyl (lab confirmed).

RUSS FERGUSON  
UNITED STATES ATTORNEY

Will M. Wiseman  
WILL WISEMAN  
SPECIAL ASSISTANT UNITED STATES ATTORNEY

Defendant's Counsel's Signature and Acknowledgment

I have read this Factual Basis, the Bill of Information, and the plea agreement in this case, and have discussed them with the defendant. Based on those discussions, I am satisfied that the defendant understands the Factual Basis, the Bill of Information, and the plea agreement. I hereby certify that the defendant does not dispute this Factual Basis.

Chiege O. Kalu Okwara  
Chiege O. Kalu Okwara, Attorney for Defendant

DATED: 6/2/2025